IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.29606 of 1998

Between:

1 Kolakonda Venkat Reddy S/o Raja Reddy
R/o. H.No. 1-54, Kottapally (Haveli),
Karimnagar Mandal & District.
2 Khaja Jalaluddin S/o Yousufuddin
R/o. H.No. 6-89, Kottapally (Haveli) ,
Karimnagar Mandal and District.
3 Syed Ismail S/o. Syed Mahaboob
R/o. H.No. 6-7, Kottapally (Haveli),
Karimnagar Mandal & District.
4 Smt. Nasimunnisa W/o. Syed Ismail
R/o. H.No. 6-7, Kottapally (Haveli),
Karimnagar Mandal & District.
5 Penti Lakshminarayana S/o P. Rayalingh
R/o. H.No. 6-90, Kottapally (Haveli),
Karimnagar Mandal & District.

..... PETITIONERS

AND

1 The Executive Officer, Gram Panchayat,
Kottapally (Haveli), Karimnagar Mandal & District
2 The Executive Engineer, Panchayat Raj Department,
Karimnagar. O/o Zilla Praja Parishad.
3 The District Collector,
Karimnagar, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue a Writ of Mandamus or any other appropriate writ, direction or directions, directing the respondents not to demolish the shops/houses of the petitioners as shown in Annexure-I, holding the action of the respondents in proposing to demolish the shops and houses without issuing any notices is arbitrary, unreasonable, illegal, unconstitutional and against the principles of natural justice.

Counsel for the Petitioners: MR.V.GOWRI SHANKARA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

The Court made the following:

ORDER:

This writ petition is filed questioning the action of the respondents in trying to demolish the structures of the petitioners' shops and houses bearing Nos.8-49/1 and 8-50, 6-87 and 6-89, 6-91, 6-7 and 6-90 respectively situated at Kottapally (Haveli) village, Karimnagar Mandal and District for the road widening, without serving any notice on the petitioners and without following due process of law, as illegal and arbitrary.

Though the writ petition was admitted on 27-10-1998, no counter-affidavit is filed by the respondents so far. When the matter is taken up today, learned Government Pleader appearing for the respondents submits that the writ petition may be disposed of with a direction to the respondents that if they intend to demolish the structures in question they shall follow the due process of law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents that if they intend to demolish the structures of the petitioners for the road widening they shall follow the procedure prescribed under law and after issuing notices and affording an opportunity of hearing to the petitioners, they are at liberty to proceed further in the matter.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 22.02.2005

Nsr

To

1 The Executive Officer, Gram Panchayat,
Kottapally (Haveli), Karimnagar Mandal & District
2 The Executive Engineer, Panchayat Raj Department,
Karimnagar. O/o Zilla Praja Parishad.
3 The District Collector,
Karimnagar, Karimnagar District.

4 Two CCs to GP for Panchayat Raj and Rural Development, High Court

of AP, Hyderabad (OUT)

5 2 CD copies

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